

S/L 6
23.9.2022
Court No.652
SD

CO 518 of 2021

Smt. Prativa Biswas
Vs.
Dr. Pranab Kirtania

Mr. Gouranga Kumar Das
Mr. Kalyan Chatterjee
Ms. Swati Mondal

...for the Petitioner.

Mr. Ambu Bindu Chakraborty

...for the Opposite Party.

Affidavit-in-opposition and affidavit-in-reply filed by the parties be kept with the record.

This is an application under Section 24 of the Code of Civil Procedure at the instance of the petitioner seeking transfer of Matrimonial Suit No.196 of 2020 from the Court of learned Additional District Judge, 2nd Court, Bongaon, North 24-Parganas to the Court of learned Additional District Judge, at Baruipur, South 24-Parganas.

The petitioner has contended that the marriage between the petitioner and the opposite party was solemnized according to Hindu rites and customs on 11.12.2019 and after marriage both the parties started residing as husband and wife at Chowberia, North 24-Parganas.

After marriage the opposite party started inflicting mental and physical torture upon the petitioner demanding dowry and although the petitioner tried her level best to adjust with the family of her matrimonial home but all were

in vain. On 21.1.2020 the petitioner was compelled to shift at her paternal home at Sonarpur, South 24-Parganas and since then she is residing therein.

The petitioner was compelled to file a case under Protection of Women from Domestic Violation Act being Misc. Case No.95 of 2020 which is pending before the learned Additional Chief Judicial Magistrate, 2nd Court at Baruipur.

In the meantime, the opposite party filed an application under Section 12(1a) of the Hindu Marriage Act being Matrimonial Suit No.196 of 2020 before the learned Additional District Judge, 2nd Court at Bongaon, North 24-Parganas.

The petitioner submits that she is fully dependant upon her parents and the opposite party does not pay any maintenance for his wife and the petitioner will suffer more inconvenience to travel Bongaon from Sonarpur which is situated at a distance of more than 100 kms. The opposite party filed the suit at Bongaon knowing it very well that the petitioner will not be able to contest the case.

Moreover, the proceeding under the provision of Protection of Women from Domestic Violation Act is pending before the Court at Baruipur and as such, she has prayed for the aforesaid transfer.

Learned counsel for the opposite party submits that it will be inconvenient for the husband to travel from Bongaon to the Court at Baruipur if the said suit is transferred in the

Baruipur Court. Accordingly, the opposite party opposed the aforesaid transfer.

Having considered the aforesaid facts and circumstances of the case and also the distance involved in between the two places and that under the present socio-economic condition it is more in convenient for the wife/petitioner to attend the Court at Bongaon and that the petitioner is an unemployed lady, I am of the view that neither party will have a cause to prejudice if the said Matrimonial Suit No.196 of 2020 be transferred from the Court of learned Additional District Judge, 2nd Court, Bongaon to the Court of learned District Judge, Alipore.

Accordingly, the learned District Judge, Barasat is hereby directed to withdraw the Matrimonial Suit No.196 of 2020 pending before the learned Additional District Judge, 2nd Court at Bongaon, North 24-Parganas and to transmit the same to the Court of learned District Judge, South 24-Parganas at Alipore within a period of three weeks from the date of communication of the order.

The transferee court shall give fresh notice intimating the next date of hearing upon both the parties before taking up for further proceeding of the suit.

Department is directed to serve a copy of this order to the learned District Judge, Barasat as well as the learned District Judge, South 24-Parganas at Alipore.

With these observations, C.O. 518 of 2021 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)